



re application of  
BERNA Philippe et al  
Serial No. 08/321,589

Filed: Oct. 12, 1994 *QFO*

For: PROCESS FOR MAKING A  
VERSATILE CLAMPING DEVICE  
DESIGNED TO HOLD OBJECTS  
WITHOUT DAMAGING THEM, SUCH  
A DEVICE AND ITS USE

# 8 580 493

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JUN 16 1997

GROUP 3200

3206  
#48  
Group Art Unit: 3206  
Examiner: Tom Hughes

Molières-sur-Cèze, France  
June 6, 1997

PETITION UNDER 37 CFR 1.183 FOR A WAIVER OF REQUIREMENTS

Hon. Commissioner of Patents and Trademarks  
Washington, D.C. 20231

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GROUP 3200

Sir:

Applicant hereby petitions under the provision of 37 CFR 1.183 for a waiver of the requirement according to 37 CFR 1.137 (a) that a period equivalent to the period of abandonment of the above-identified patent application be disclaimed and of the requirement of promptitude in the petition of revival under 37 CFR 1.137 (a). In the attached declaration as to the showing of the cause of unavoidable delay in filing a proper response, it is shown on one hand that what is exceeding six months in the period from the date of abandonment to the filing of the joint petition for revival is not the applicant's fault and on the other hand that the applicant has been as prompt as possible to file such a petition for revival. So justice requires waiver of these requirements.

Enclosed is:

- payment by check drawn on the Bank of America of the fee set forth in 37 CFR 1.17 (h) (\$130).

Respectfully submitted.

*Philippe Berna*

Philippe Jean Henri Berna

Correspondence address: Mas Liotard - Les Brousses, F30410 Molières-sur-Cèze, France, Phone & fax No: (33) 4 90 85 90 81

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07/15/1997 KCOOPER 00000200 08321589  
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PETITION FOR REVIVAL OF APPLICATION ATTACHED  
UNAVOIDABLE DELAY

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517 / 517 bis

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F30410 Molières Sur Cèze  
France

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4/21/1997

**OFFICE OF PLEIUNNS  
A/C PATENTS**

In re Application of :  
Philippe Jean Henri Berna :  
Application No. 08/580,493 :  
Deposited: December 29, 1995 :  
For: PROCESS FOR MAKING A VERSATILE :  
CLAMPING DEVICE DESIGNED TO HOLD :  
OBJECTS WITHOUT DAMAGING THEM, SUCH :  
A DEVICE AND ITS USE :  
:

The above-identified application was recently referred to this office for review of the filing date accorded the application.

The application was deposited on December 29, 1995, as a continuation application under 37 CFR 1.62 based on prior application No. 08/321,589.

This application is not a proper filing under 37 CFR 1.62, because the prior application was abandoned prior to the date of deposit of the 37 CFR 1.62 application.

37 CFR 1.62(a) reads, in part, as follows:

A continuation, continuation-in-part, or divisional application, which uses the specification, drawings and oath or declaration from a prior nonprovisional application which is complete as defined by § 1.51(a)(1), and which is to be abandoned, may be filed under this section before the payment of the issue fee, abandonment of, or termination of proceedings on the prior application, or after payment of the issue fee if a petition under § 1.313(b)(5) is granted in the prior application. (emphasis supplied)

The file of prior application No. 08/321,589 reveals that a final Office action was mailed therein on July 3, 1995, setting a 3-month shortened statutory period for response. On October 16, 1995, an "Advisory Action" was mailed resetting the period for response to the final Office action to expire "three months from the date of the final rejection or as of the mailing date of this Advisory Action, whichever is later." Thus, the period for



LOS ANGELES AP 310-338-8200  
 RENTAL: 1/10/97 1526 00101  
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 MILES DRIVEN: 1975

PHILIPPE BERNARD 41 AV ST JEAN  
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 DIS 15% \$ -129.75  
 \*TOTAL T&M \$ 735.25  
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 VEH LIC FEE \$ 28.21  
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 BA 5526

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 SPEC 0 MILES @  
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RATE CHG \$ 464.97  
 DIS 5% \$ 23.25  
 \* TOTAL T&M \$ 441.72  
 NET DUE \$ 441.72  
 VEH LIC FEE \$ 21.21  
 TAX 8.250% \$ 36.44  
 LESS DEP \$ 484.47  
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PHILIPPE BERNARD  
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0 DAYS @ 1 WEEKS @ 0 HOURS @  
 \$43.39 \$216.95 \$14.46  
 SPEC 0 MILES @  
 \$0.00 \$0.00

RATE CHG \$ 216.95  
 DIS 15% \$ 32.54  
 \* TOTAL T&M \$ 184.41  
 MISC CR. \$ 2.89  
 NET DUE \$ 181.52  
 \* TX TAX REIMB \$ 8.40  
 TAX10.000% \$ 19.28  
 AMT DUE \$ 209.20

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